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July 9, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Daniel J. Bryant *ΔJB*
Assistant Attorney General

SUBJECT: Weekly Report for July 9, 2001- July 20, 2001

THIS WEEK

Prepublication Review Litigation: Senate Intelligence Committee staff have requested a briefing from the Civil Division, Federal Programs Branch, on Stillman v. Department of Defense, which involves a former government contractor's challenge to Defense's assertion that a book he wrote contains classified information. The briefing is in the process of being scheduled. (Walter)

FBI Computer Systems--Trilogy: A briefing by FBI and the Criminal Division on the FBI's initiative to modernize its computer systems is scheduled for Senate Judiciary staff for July 13. (Walter)

Wen Ho Lee -- Bellows Report Declassification: CIA has completed its declassification review of this 800-plus page report; after processing and duplication by the Office of Information and Privacy we expect to be able to deliver declassified copies to the Senate Judiciary and Senate and House Intelligence Committees by close of business on Wednesday. (Senator Specter has been pushing for access to a declassified copy for his staff's use in preparing a report on the Wen Ho Lee case. The Committees have had copies of the classified version in secure facilities on the Hill since mid-2000; this version will make it possible for uncleared staff to review it on behalf of their members with the understanding it will be used for Committee purposes only. The report is still undergoing review for privacy and other Freedom of Information Act issues before it can be released publicly.) (Walter)

Mexico Migration Working Group: The House Immigration Reform Caucus and the Hispanic Caucus have requested a briefing on current discussions between the U.S. and Mexican Delegations. Staff from DOJ and OLA are coordinating the briefings which will likely be held the week of July 9th. (D. Burton)

Japan POW Claims: OLA and the Civil Division will participate in a briefing on Monday, July 9, with the State Department on H.R. 1198. This bill, titled, "Justice for United States Prisoners of War Act of 2001," would preserve a right of action in Federal Court brought by former American POWs of Japan during the Second World War against Japanese nationals seeking compensation for mistreatment and wages in connection with labor performed in Japan during wartime. The Civil Division represents the State Department in litigation on this matter and they have asked us to attend a briefing for a bipartisan group of House Judiciary Immigration and Claims Subcommittee staff. The Administration is opposed to this legislation due to the treaties that were signed with Japan after the war that would govern such claims.

Nominations: The Senate Judiciary Committee will hold a hearing on nominations on July 11. The nominees on the agenda for the hearing are as follows: Eileen O'Connor, to be Assistant Attorney General for the Tax Division; Roger Gregory, to be a United States Circuit Judge for the Fourth Circuit; and Richard F. Cebull and Sam E. Haddon, both to be United States District Judges for the District of Montana. (Scott-Finan)

FBI Whistleblowers: Last week, OLA staff attended interviews conducted by the Senate Judiciary Committee of several FBI supervisory agents, who chose to articulate their concerns about FBI management. We anticipate receipt of a formal Committee request for documents and other information relating to Bureau management and the treatment of whistleblowers, which are likely to become focal points of the Committee's FBI oversight inquiry. (F. Burton)

Pardons and Parole: OLA continues to respond to requests from the House Committee on Government Reform for information and documents about the late term pardon of Carlos Vignali and the unsuccessful efforts by Roger Clinton to obtain parole for Rosario Gambino, who is serving a lengthy prison term for drug related felonies. This week, we expect that Parole Commission documents regarding Roger Clinton and Rosario Gambino will be provided to the Committee. We have advised Committee staff that, based upon the guidance we have received, we cannot provide additional information on pardon matters due to the significant executive privilege issues presented by the requests. (F. Burton)

Mark Middleton: This week, OLA staff expects to meet with staff from the House Committee on Government Reform to brief them about the Department's declination decisions regarding Mark Middleton in order to accommodate their information needs without providing sensitive deliberative documents regarding those decisions. We hope that this will constitute the new Administration's policy and practice in response to oversight inquiries about prosecutorial decision-making in individual cases. (F. Burton)

FBI Oversight: This week, OLA expects to provide the Senate Judiciary Committee with documents responsive to their multi-faceted request regarding the FBI. These will include records regarding the background investigations of former Special Agent Hanssen as well as material relating to our indictments of former FBI informants and a former FBI Special Agent. This provision of material to the

Committee and the House Government Reform Committee is likely to continue throughout the summer. (F. Burton)

Internet Privacy: The Senate Commerce Committee will hold a hearing on Internet Privacy on Wednesday, July 11. There will not be an administration witness. (Owen)

E-Government: The Senate Governmental Affairs Committee is scheduled to hold a hearing on S. 803, the E-Government Act of 2001 on Wednesday, July 11. (Owen)

Eco-terrorism: On July 11, the FBI will brief Congressman Nethercutt's staff on ongoing efforts to combat eco-terrorism. FBI and OLA are coordinating the briefing. (Coughlin)

Temporary Worker Program (TWP): Staff from DOJ have supplied relevant Member offices with a framework to provide feedback on development of a TWP. DOJ will follow up with these offices after the recess. (D. Burton)

Unaccompanied Alien Minors: INS and the Department are reviewing legislation introduced by Senator Diane Feinstein (S. 121) to provide assistance and feedback prior to any legislative action. (D. Burton)

THE WEEK AHEAD

Justice Department Authorization Bill (H.R. 2215): We understand that H.R. 2215, the Department of Justice authorization Act for FY 2002, may be brought to the floor of the House under suspension of the rules (a procedure under which no floor amendments are in order) as early as the week of July 16th. The reported bill includes many sections which the Department has sought and also includes provisions that would allow the Department to transfer 200 attorneys from the litigating divisions to the United States attorneys' offices; creates reporting requirements to Congress when it declines to enforce a particular statute, regulation, or policy; creates a Deputy IG for the FBI and establishes a separate and permanent Violence Against Women's Office. OLA has circulated a draft views letter and is coordinating comments. (Owen)

Yemen: A briefing by representatives from the Criminal Division and FBI for House International Relations Committee staff on the withdrawal of FBI agents from Yemen is scheduled for July 17. (Walter)

Refugee Status for Vietnamese Refugees: The week of July 16th, the House Judiciary Committee plans to markup legislation which would extend the eligibility for refugee status for unmarried children of certain Vietnamese refugees. Staff from DOJ and state are working with the committee and Representative Tom Davis, the bill's sponsor, on possible technical amendments. (D. Burton)

THE WEEK IN REVIEW

Espionage Prosecutions--Trofimoff: A briefing for Senate Intelligence Committee staff by John Dion from the Criminal Division's Internal Security Section on the espionage trial and conviction of George Trofimoff, a retired Army reserve officer, took place on July 2. He was joined by representatives from the FBI and Army. (Walter)

Espionage Prosecutions--Hanssen: Robert Hanssen pled guilty to espionage in the Eastern District of Virginia on Friday, July 6. Criminal Division Deputy Assistant Attorney General Bruce Swartz and Internal Security Section Chief John Dion, joined by representatives from the FBI briefed Senate Intelligence and Judiciary Committee staff that same day; briefings for House Intelligence staff is tentatively scheduled for Wednesday, July 11, and a briefing for House Judiciary Committee staff is in the process of being scheduled. Copies of the plea agreement and accompanying court documents were sent to the majority and minority staffs of the Senate and House Intelligence Committees and Senate and House Judiciary Committees on July 6 also. (Walter)